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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,296	04/01/2004	Tomofumi Miyamoto	008312-0309052	6129
909 7590 12/11/2008 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102				
EXAMINER				
LEE, PING				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
12/11/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/814,296

Applicant(s)

MIYAMOTO, TOMOFUMI

Examiner

Ping Lee

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-7, 9-12 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-7, 9-12 and 14-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 4-6, 9-12, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freadman (US005818942A) (hereafter Freadman '942).

Regarding claim 4, Freadman '942 discloses an electronic apparatus comprising:
a casing (12) defining a closed space and containing electronic components in the space (as shown in Fig. 1, speakers are contained in the space; although not explicitly shown, wiring is inherently in the space; Fig. 2 is a modification of Fig. 1; the unit 20 as shown in Fig. 2 replaces the general speakers 10 in Fig. 1; col. 2, lines 18-19; the unit 20 is a part enclosed by the casing); and

a pair of speaker units, left and right (as shown in Fig. 2), located in the casing,
each of the speaker units including a cabinet (22), a speaker (10) arranged in the cabinet (22) and exposed to the outside of the cabinet, and a port (end of 32) which is defined in the cabinet to open the outside of the cabinet and through which a sound emitted from the backside of the speaker into the cabinet is radiated outward from the cabinet and into the space of the casing (at 30; the volume defined in 30 is a part of the space defined by casing 12 as shown more clearly in Fig. 1),

the speaker (10) being located in the cabinet (22) so as to be exposed to the outside of the casing through the opening of the casing and the protrusion, and the

casing having openings (28a) through which sounds emitted from the ports (end of 32) of the speaker units into the space of the casing (at 30; the volume defined in 30 is a part of the space defined by casing 12 as shown more clearly in Fig. 1) and synthesized together in the space of casing (at 30; the volume defined in 30 is a part of the space defined by casing 12 as shown more clearly in Fig. 1) are radiated to the outside of the casing.

Freadman '942 shows the cabinet of each speaker unit having a top face in contact with an inner surface of an outside wall of the casing (the surface pointed by 12), but fails to show a protrusion which protrudes from the top face and passes through an opening defined in the outside wall of the casing. Fig. 2 of Freadman '942 shows a speaker (10) having a dimension defined by the oval (as pointed by 10). Freadman' 942 does not specify whether the oval is being on the same level, above or below with respect the top face. Therefore, one skilled in the art would have expected that the performance of the speaker would not be altered significantly if the outer rim of the oval is being protruded from the top face. Examiner takes Official Notice that this feature is notoriously well known in the art.

Thus, it would have been obvious to one of ordinary skill in the art to modify Freadman '942 by mounting the speaker above the top face of the cabinet because it was considered as a matter of design preference on how to mount the speaker on the cabinet.

Regarding claim 5, although not explicitly discussed, the cabinets inherently having different capacities in nature since it would be nearly impossible to produce two

cabinets in exact size. From a different point of view, the bass reflex speaker requires the back wave and the front wave to be in phase. This, well known to those skilled in the art, requires the port, the duct and the capacity of the speaker cabinet be tuned to maintain this relationship. Since no two speakers are being exactly the same in term of physical size and frequency response, so the speaker cabinets have to be adjusted separately and individually. Examiner takes Official Notice that tuning the speaker cabinet is notoriously well known in the art. Thus, it would have been obvious to one of ordinary skill in the art to modify Freadman '942 by adjusting the cabinets' sizes based on individual speakers in order to properly match the front wave and the back wave.

Regarding claim 6, as shown in Fig. 2, the respective ports are opposed to each other.

Regarding claim 9, Freadman '942 shows the display unit (40) and keyboard (14a).

Regarding claim 10, Freadman '942 shows the ducts (32).

Regarding claims 11 and 12, Freadman '942 fails to show the screw for mounting the speaker unit. Examiner takes Official Notice that this feature is notoriously well known in the art. Thus, it would have been obvious to one of ordinary skill in the art to modify Freadman '942 by securing the speaker units using screw because it was a matter of engineering design choice on how to mount the speaker units to the casing.

Regarding claim 16 and 17, Freadman '942 fails to show the partition walls and the protective nets. Freadman '942 teaches the general concept of the mixing the back waves from left and right speakers of a computer to align with front wave, one skilled in

the art would have expected that the exact layout and/or design of the casing, such as having partition walls extending from a top surface of the casing which surround the openings, would not alter the expected response from the speaker units as long as the partition walls do not alter the front and back signal paths and changing the intending frequency response. Having walls surrounding the opening would protect the speaker from intrusion from the side. Having protective nets would protect the speaker from intrusion from the top. Examiner takes Official Notice that these features are notoriously well known in the art. Thus, it would have been obvious to one of ordinary skill in the art to modify Freadman '942 by having additional protective features, such as surrounding walls and protective nets, in order to protect the speaker units being damaged from unexpected force.

3. Claims 7, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freadman '942 as applied to claim 4 above, and further in view of Freadman '708.

Regarding claims 14 and 15, Freadman '942 discloses an electronic apparatus comprising:

a casing (12) defining a closed space and containing electronic components in the space (enclosed by 12) (as shown in Fig. 1, speakers are contained in the space; although not explicitly shown, wiring is inherently in the space; Fig. 2 is a modification of Fig. 1; the unit 20 as shown in Fig. 2 replaces the general speakers 10 in Fig. 1; col. 2, lines 18-19; the unit 20 is a part enclosed by the casing); and

a pair of speaker units, left and right (Fig. 2), located in the space of the casing (at 20; the volume defined in 20 is a part of the space defined by casing 12 as shown more clearly in Fig. 1),

each of the speaker units including a cabinet (22), a speaker (10) arranged in the cabinet and exposed to the outside of the cabinet, and a port (at the end of 32) which is defined in the cabinet to open the outside of the cabinet and through which a sound emitted from the backside of the speaker into the cabinet is radiated outward from the cabinet and into the space of casing (at 30; the volume defined in 30 is a part of the space defined by casing 12 as shown more clearly in Fig. 1),

the speaker having a portion exposed to the outside of the casing through an opening (34) defined in an outside wall of the casing, and the casing having openings (28a) through which sounds emitted from the ports (end of 32) of the speaker units into the casing and synthesized together in the casing are radiated to the outside of the casing.

Freadman '942 fails to show the casing being a laptop computer and the ports being oriented toward the front wall of the laptop computer, but shows that the speaker units are being positioned at left and right corners of a top wall of the casing, respectively, and the speakers are being oriented towards the top wall of the casing. In a similar design, Freadman '708 teaches that a laptop computer could use better designed built-in speaker housing for generating better sound quality for multiple media application (col. 1). The ports in Freadman '708 are directed toward the front wall of the laptop computer. The casing (12) has openings (22) through which back wave sounds

are emitted. As taught in Freadman '708, the ports could be directed any preferred directions (col. 4, lines 12-19). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made with both references before him/her to utilize the stereophonic speaker units as taught in Freadman '942 for laptop computer and placing the ports directed toward a preferred direction, such as toward the front wall of the casing in order to improve the sound quality from the laptop computer.

Regarding claim 7, Freadman '942 fails to show that the ports are oriented to the same direction. In the same field of endeavor, Freadman '708 teaches the ports could be directed any preferred directions (col. 4, lines 12-19). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made with both references before him/her to adjust the orientation of the ports in Freadman '942, such as oriented to the same direction because it was considered as a matter of preference.

Response to Arguments

4. Applicant's arguments filed 12/3/08 have been fully considered but they are not persuasive.

In response to applicant's argument that the enclosed unit 20 in Freadman '942 is not in a closed space of a casing, this is not persuasive. Freadman '942 names the enclosed unit 12 as the keyboard shell. As shown in Fig. 1, the speakers are part of the elements enclosed by the space defined by the keyboard shell. Fig. 2 of Freadman '942 provides a better and modified resonator unit 20 which is still a part of the elements enclosed by the space defined by keyboard shell. See col. 2, lines 18-19. The other

argument applicant stated is the electronic components in the closed space of the casing. Freadman '942 clearly shows the speakers are contained in the closed space of the casing. Furthermore, one would also have expected that wiring for the keyboard is also contained in the closed space of the casing. Since the space 30 in Fig. 2 of Freadman '942 is a part of the space enclosed by casing 12, space 30 in Freadman '942 reads on the claimed "space" for the sound from the backside of the speaker, and the "space" for synthesizing the sound.

In response to applicant's argument that Freadman '942 fails to disclose "each of the speaker unit including ... **a port which is defined in the cabinet to open the outside of the cabinet** and through which a sound emitted from the backside of the speaker into the cabinet is radiated outward from the cabinet and into the space of the casing", examiner disagrees. As shown in Fig. 2 of Freadman '942, a port defined by the end of 32 is used in the cabinet to open the outside of the cabinet. 28a in Fig. 2 of Freadman '942 is the opening to accept the port defined by the end of 32. Since space 30 is a part of the space enclosed by the casing (12), the claimed limitation that the port (end of 30) is opened in the space of the casing is met by Freadman '942.

Applicant provided similar argument for claims 7, 14 and 15. It is not persuasive for the same reason as provided above.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ping Lee whose telephone number is 571-272-7522.

The examiner can normally be reached on Monday, Wednesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ping Lee/
Primary Examiner, Art Unit 2614

pwl